

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAYMOND M. GONZALES,

Petitioner,

v.

No. 11-cv-0686 MCA/SMV

**ERASMO BRAVO, Warden, Guadalupe County
Correctional Facility, and
ATT'Y GEN. OF THE STATE OF N.M.,**

Respondents.

**ORDER DENYING AS MOOT RESPONDENTS'
MOTION FOR AN ORDER TO SHOW CAUSE**

THIS MATTER is before the Court on Respondents' Notice Re: State Court Proceedings and Motion for the Issuance of an Order to Show Cause to Petitioner [Doc. 27] ("Motion"), filed November 30, 2012. In their Motion, Respondents request that the Court order Petitioner to show cause why his Petition should not be dismissed for failure to diligently exhaust state-court remedies, and to explain whether he intends to exhaust such remedies. Motion [Doc. 27] at 3. On December 11, 2012, Petitioner filed his Response to the Motion. Response to Respondents['] . . . Motion for the Issuance of an Order to Show Cause to Petitioner [Doc. 28] ("Response"). In his Response, Petitioner concedes that he has not filed a state-court habeas petition, sets forth what he describes is good cause for his lack of diligence, and states that he intends to exhaust his unexhausted claims *Id.* at 1–3. Petitioner's response gives the relief that Respondents seek, i.e., for Petitioner to attempt to show cause for his delay and to declare whether he intends to exhaust his state-court remedies. The Court therefore FINDS that the Motion [Doc. 27] is moot and should be denied.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Respondents' Notice Re: State Court Proceedings and Motion for the Issuance of an Order to Show Cause to Petitioner [Doc. 27] is **DENIED as moot**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge